



PATENT
Customer No. 22,852
Attorney Docket No. 3804.1590-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Divisional Application of:)
)
Manfred BOHN et al.) Group Art Unit: 1617
)
Application No.: 10/690,597) Examiner: E. Webman
)
Filed: October 23, 2003)
)
For: ANTIMYCOTIC GEL HAVING) Confirm. No.: 6765
HIGH ACTIVE COMPOUND)
RELEASE)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, Aventis Pharma Deutschland GmbH, duly organized under the laws of Germany and having its principal place of business at Industriepark Höchst, Building K801, 65926 Frankfurt am Main, Germany, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 10/690,597, filed October 23, 2003 for ANTIMYCOTIC GEL HAVING HIGH ACTIVE COMPOUND RELEASE in the names of Manfred BOHN, Karl Theodor KRAEMER, and Astrid MARKUS, as indicated by assignments duly recorded in the United States Patent and Trademark Office at Reel 9464, Frame 0659 on September 18, 1998, and Reel 012722, Frame 0308 on March 26, 2002. Assignee, Aventis Pharma Deutschland GmbH, further represents that it is the assignee of the entire right, title and interest in

and to U.S. Patent No. 6,455,551 B1, as indicated by assignments duly recorded in the United States Patent and Trademark Office at Reel 9724, Frame 0954 on June 3, 1998, and at Reel 012722, Frame 0529 on March 26, 2002.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior patent No. 6,455,551 B1, Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 17, 2005

By: Carol P. Einaudi
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